

DOCKET NO: UPN0008-100 (K1878)

PATENT

REMARKS

Claims 1-17 are pending. Claims 5, 9-12 and 14-16 were objected, and claims 1-4, 6-8, 13 and 17 were rejected. The Final Office Action indicated that “[C]laims 5, 9-12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.” (Office Action, page 5). The Examiner further indicated to Applicants’ attorney on September 9, 2003 during a teleconference that cancellation of the rejected claims is required for entry of an amendment that places the objected claims in condition for allowance.

Accordingly, solely in the interest of advancing prosecution, Applicants have canceled claims 1-4, 6-8, 13 and 17, rendering the rejection moot. However, Applicants maintain that claims 1-4, 6-8, 13 and 17 are patentable, as was argued in the Amendment submitted on July 9, 2003. Upon entry of this amendment, claims 5, 9-12 and 14-16 will be pending.

Original claim 5 has been amended to read as an independent claim reciting the “lac promoter”. Thus, claim 5 is now in a condition for allowance.

Original claim 9 has been amended to read as an independent claim reciting “nucleic acid molecule...encoding a toxic protein”. Thus, claim 9 is now in a condition for allowance.

Original claim 14 and 15 have been amended to read as independent claims. Thus, claims 14 and 15 are in a condition for allowance.

Original claims 10-12 now depend ultimately from claim 9, which is now in a condition for allowance.

Original claim 16 has been amended to depend from amended claim 9, which is now in a condition for allowance.

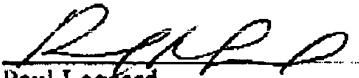
DOCKET NO: UPN0008-100 (K1878)

PATENT

Pending claims 5, 9-12 and 14-16 are in condition for allowance and an early notice of the same is earnestly solicited. If, for any reason, the present application fails to proceed to allowance, the Examiner is encouraged to contact Applicants' undersigned representative at (215) 665-6914.

Respectfully submitted,

Dated: September 10, 2003


Paul Legard
Reg. No. 38,534

COZEN O'CONNOR, P.C.
1900 Market Street, 5th Floor
Philadelphia, PA 19103-3508
Telephone: (215) 665-6914
Facsimile: (215) 701-2141

Doc No. 1910509 v1

RECEIVED
CENTRAL FAX CENTER
SEP 10 2003

OFFICIAL